

REMARKS

Claims 10-29 are in the case.

Claims 10-29 are under consideration and have been rejected under 35 USC 103 (a) as being unpatentable over Godwin et al. in view of Schlosberg et al.

The claims had previously been rejected under 35 USC 103 (a) as being unpatentable over Agcishi et al. in view of Schlosberg et al. During the personal discussion between Applicant's Representative and Examiners Eashoo and Heincer referred to in the previous response, it was believed that agreement had been reached that the limitation to measurement of lights ends content placed the application in condition for allowance. However a new rejection now has been formulated which, *for the sake of argument*, renders this limitation pointless. Accordingly, Applicant's have now deleted this limitation since it is respectfully submitted that it is not necessary for allowability of the claim.

The present invention, as set forth in Claim 10, concerns:

A process for the production of a plasticiser ester comprising:

- (i) esterifying an acid or an anhydride with an alcohol containing from 6 to 13 carbon atoms to form a crude ester;
- (ii) treating the crude ester with a base to form a treated ester;
- (iii) filtering the treated ester to separate a liquid product;
- (iv) stripping the liquid product to form a stripped material;
- (v) treating the stripped material with an adsorbent; and
- (vi) filtering the product of step (v), optionally in the presence of a filter aid, to remove the adsorbent from the plasticiser ester.

Godwin et al., U.S. 4,543,420, teaches that pyromellitate plasticizers are provided by the following steps:

- (i) pyromellitic dianhydride or pyromellitic acid is esterified with an isonyl or isodecyl alcohol;

- (ii) preferably purifying by base wash followed by water wash until neutral;
- (iii) stripping [excess alcohol] with heat and under vacuum with or without charcoal;
- (iv) "treatment with activated alumina, attapulgus clay, or celite, molecular distillation and the like".

Thus, like Aegishi et al., Godwin et al. fails to teach filtering the mixture (step (iii) of the present claims), prior to stripping of excess alcohol (step (iv) of the present claims).

Schlosberg et al. does not cure the deficiencies of Godwin et al. Even if one of skill in the art were to look to Schlosberg et al. for alternative steps (and for the purposes of appeal, we preserve the argument set forth previously that Schlosberg et al. would not be looked to by one of ordinary skill in the art to solve the problem faced by the present inventors), it is clear that the secondary reference does not, in fact, teach avoidance of stripping prior to filtering. Rather, as set forth in detail in column 5 of Schlosberg et al., the reference teaches:

- (i) esterification;
- (ii) addition of absorbents;
- (iii) addition of base;
- (iv) removal of water "in a flash step" (e.g., stripping)
- (v) filtration of solids from "the bulk of excess alcohol" (emphasis added);
- (vi) removal of excess alcohol by stripping;
- (vii) removal of residual solids by filtration.

However you want to look at it, it is clear that Schlosberg et al. does not avoid a stripping step before filtration. Clearly step (iv) heats the product, along with water and alcohol, in the presence of solids and base.

To put it another way, the references of record simply do not fairly teach the artisan to filter the base-treated solution prior to a stripping step. This is the heart of the invention as taught by the specification.

Thus, *even if* one were to pick and choose from amongst the references as best one could, one could still not arrive at the present invention.

For these reasons, it is respectfully requested that the rejection under §103 be withdrawn.

There being no further issues, Applicants respectfully urge that the present application is - once again - in condition for allowance and early indication of such is earnestly solicited.

Respectfully submitted,

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Date

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